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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,892	11/18/2003	Richard Ormson	WN-2619	2814

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EXAMINER

BALAOING, ARIEL A

ART UNIT PAPER NUMBER

2683

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,892	<b>Applicant(s)</b> ORMSON ET AL.	
	<b>Examiner</b> Ariel Balaoing	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to the Applicant's arguments filed 11/23/2005.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Response to Arguments***

3. Applicant's arguments, see page 9 of the remarks, with respect to 112, First Paragraph have been fully considered and are persuasive. The 112, First Paragraph rejections of claims 3 and 10 have been withdrawn.
4. Applicant's arguments, see page 13 of the remarks, with respect to Double Patenting Rejection have been fully considered and are persuasive. The Double Patenting Rejection of the present application with respect to application 10/714,847 has been withdrawn.
5. Applicant's arguments with respect to claims 1-7, 10-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Double Patenting***

6. Applicant is advised that should claim 6 be found allowable, claims 7, 15-17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). The terms "*as an initial camping, for a first camping, for a first*

Art Unit: 2683

*time*" in the claims have substantially duplicate meaning in the use and placement within the claims.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-7, 10-19 are rejected under 35 U.S.C. 102(e) as being anticipated by AMERGA et al (US 2004/0043798 A1).

Regarding claim 1, AMERGA discloses a method of network acquisition for a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract), said method comprising: searching to identify a suitable cell on one radio technology (**802**; paragraph 79, 80; measurements of the neighbor cells are performed); subsequent to identifying a suitable cell on the one radio technology (**808**; cell selection has not failed, therefore a cell is found suitable to acquire), monitoring cells on another of the plurality of radio technologies in order to identify if one of the monitored cells is more suitable than the cell identified on the one radio technology (**810**; paragraph 83; scheduled inter-RAT monitored cells are

searched); and subsequent to said monitoring, selecting and camping for a first time on a cell identified from all of the radio technologies searched as most suitable (834; best cell is selected from all available access technologies).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. AMERGA further discloses wherein said monitoring the cells on another RAT comprises monitoring neighboring cells on all of the plurality of RATs (812; paragraph 84, 85).

Regarding claims 3 and 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the step of monitoring cells on another RAT comprises obtaining a BA (neighboring cell) list on the said identified cell but for all of the plurality of other RATs read (paragraph 58, 60, 79, 83, 84; intra-frequency cells on the monitoring list are monitored before inter-RAT cells on monitoring list).

Regarding claims 4, 11, and 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the suitability of the cells is determined on a basis of a strength of a signal received therefrom (paragraph 67).

Regarding claim 5, 13, and 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the identifying a suitable cell comprises determining a derivative of a strength of signal received therefrom (paragraph 68).

Regarding claim 6, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the most suitable, as an initial camping (834; best cell is selected from all available access technologies).

Regarding claim 7, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, as an initial camping, on the

Art Unit: 2683

cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 15, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, for a first camping, on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 16, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (802; paragraph 79, 80; measurements of the neighbor cells are performed) and including means for searching to identify a suitable cell on one radio technology (808; cell selection has not failed, therefore a cell is found suitable to acquire); means for monitoring cells on another of the plurality of radio technologies (810; paragraph 83; scheduled inter-RAT monitored cells are searched), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said

monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping, for a first time, on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Regarding claim 17, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract; col. 4, lines 17-37) and including means for searching to identify a suitable cell on one radio technology (abstract; column 4:lines 17-59; column 6:lines 10-46); means for monitoring cells on another of the plurality of radio technologies (abstract; column 4:lines 17-59; column 6:lines 10-46), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (abstract; column 4:lines 17-59; column 6:lines 10-46); and further including means for, subsequent to the said monitoring, selecting and camping, for a first time, on the cell identified as the most suitable (abstract; column 4:lines 17-59; col. 5, lines 6-37; column 6:lines 10-46).

Regarding claim 18, AMERGA discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (paragraph 79-83); camping onto said most suitable cell as an initial camping (paragraph 79-83).

Regarding claim 19, AMERGA discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring



Art Unit: 2683

cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (250, 280; paragraph 79-83); and a controller for camping, for a first time, on said cell identified as most suitable (260; paragraph 79-83).

9. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by OTTING (US 6,477,372 B1).

Regarding claim 18, OTTING discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (410, 412, 414, 404; mobile registers with network and camps on the cell deemed best); camping onto said most suitable cell as an initial camping (410, 412, 414, 404; mobile registers with network and camps on the cell deemed best).

Regarding claim 19, OTTING discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (410, 412, 414, 404; col. 6, lines 10-33; mobile registers with network and camps on the cell deemed best); and a controller for camping, for a first time, on said cell identified as most suitable (410, 412, 414, 404; col. 6, lines 34-46; mobile registers with network and camps on the cell deemed best).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2683

AMERGA et al (US 2004/0116110 A1) –Searching for neighbor cells within a fixed time duration

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing  
Art Unit 2683  
Patent Examiner

AB

Application/Control Number: 10/714,892  
Art Unit: 2683

Page 10

A handwritten signature in black ink, appearing to read 'W. Trost', with a long, sweeping horizontal stroke extending to the right.

**WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**